

PLANNING AND ZONING BOARD

JUNE 14, 2000

7:30 P.M.

1. ROLL CALL

The meeting was called to order at 7:38 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Larry Davis, and Edna Moore. Also present were Board Attorney A. Thomas Connick, Development Services Director Mark Kutney, Planner Jason Eppy, and Board Secretary Janet Gale recording the meeting. Michael Davenport was absent.

Chair Greb announced that the Interim Town Attorney Monroe Kiar had a conflict with another meeting and could not attend until later in the evening. After discussion by the Board regarding whether to go forward with the meeting without counsel, waiting until counsel was available, or table items to the next meeting, Vice-Chair Stahl made a motion, seconded by Mr. Davis, to go forward with the plat, postpone the rest of the agenda and make a decision on a cut-off time. In a voice vote, with Mr. Davenport being absent, all voted in favor. **(Motion carried 4-0)**

2. PLAT

- 2.1 P 8-2-99, Griffin 78 Plat, 7790 Griffin Road (B-1)(tabled from May 24, 2000)
(staff requesting a tabling to June 28, 2000)

Mr. Eppy stated that staff had been waiting on an opinion from the Mr. Kiar.

Ms. Moore made a motion, seconded by Vice-Chair Stahl, tabling this item to June 28, 2000. In a voice vote, with Mr. Davenport being absent, all voted in favor. **(Motion carried 4-0)**

Mr. Davis made a motion, seconded by Ms. Moore, to postpone the meeting until 9:00 p.m. In a voice vote, with Mr. Davenport being absent, all voted in favor. **(Motion carried 4-0)**

The meeting was recessed at 7:50 p.m and reconvened at 9:00 p.m.

3. PUBLIC HEARING

Vacation/Abandonment

- 3.1 VA 5-1-00, Hacienda Cove, LLC, generally located approximately 100 feet north of the south limits and within the limits of the plat known as "Hacienda Riverfront"

Stephanie Toothaker-Walker, representing the petitioner, stated the purpose of the petition. The planning report was read by Mr. Eppy (Staff recommended approval).

Ms. Moore made a motion, seconded by Vice-Chair Stahl, to approve. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, absent; Mr. Davis, yes; and Ms. Moore, yes. **(Motion carried 4-0)**

**PLANNING AND ZONING BOARD
JUNE 14, 2000**

Variances

3.2 V 5-2-00, Summerlake Apartment, Inc., 5941 Summerlake Drive (RM-16)

Stephanie Toothaker-Walker, representing the petitioner, was present. Mr. Eppy read the planning report (staff recommended approval subject to condition).

Ms. Toothaker-Walker displayed and explained the old and new site plans showing the parking variance. She also presented the second variance, which was a reduction in the landscape buffer and addition of an access easement.

Ms. Moore questioned the location of the existing wall and placement of the fence. Ms. Toothaker-Walker advised that the walkway was not on their property and their property would have to be enclosed with a fence with the sidewalk between a five foot path with five feet of landscaping.

Vice-Chair Stahl expressed concern regarding egress from the alley. Ms. Toothaker-Walker replied that the petitioner was willing to work with the Police and Fire Departments to gain more emergency access in and out of the alleyway.

Ms. Toothaker-Walker stated that lighting would be addressed in accordance with the Fire Code and site plan modification.

Mr. Eppy explained in detail the requirements regarding the buffer width and added that the design elements would have to be addressed at the time of site plan modification. He further stated that Engineering and the Community Redevelopment Agency would be involved in the discussion of the buffer landscape requirement, design, and lighting issues.

Mr. Davis questioned the lighting requirements and was advised by Mr. Eppy that from a public safety issue, staff could recommend placement of lighting, and locking the gates when the park was closed.

Discussion ensued regarding the parking lot, parking spaces, landscaping requirements and open space.

Chair Greb asked if anyone wished to speak for or against the variance.

Jim Wachtstetter, owner of the industrial park bordering the property on the south side, he stated that it appeared that too many units were being placed on too small a parcel of property. He expressed concern that the sidewalk would violate people's rights to private property and the public sidewalk would encourage outsiders and increase crime in the nearby apartments and warehouses.

Steve Pierson, owner of a garage and auto repair in Nova Industrial Park, stated that most of the crime in his area originated from the Potter Park area and the ongoing drug trafficking. Mr. Pierson believed there would be no way to police the walkway area.

Chair Greb closed the public hearing.

Ms. Toothaker-Walker stated that the access walkway was a proposal from the Town. She advised that the developer had completed a survey and did not have a problem with parking at any of their other developments.

Vice-Chair Stahl questioned Mr. Eppy regarding the easement lighting responsibility. Mr. Eppy replied that the developer would dedicate the easement to the Town for maintenance. Conversation ensued between the petitioner and the Board discussing the easement and the number of units on the site.

Mr. Davis made a motion, seconded by Ms. Moore, to approve. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, absent; Mr. Davis, yes; and Ms. Moore, yes. **(Motion carried 4-0)**

**PLANNING AND ZONING BOARD
JUNE 14, 2000**

Vice-Chair Stahl motioned to approve the reduction in parking spaces. The motion died for lack of second.

Ms. Moore motioned to deny the parking variance. The motion died for lack of a second.

Mr. Davis requested more discussion on the issue. Mr. Eppy reiterated that staff felt the circumstances warranted the criteria of the variance and indicated that parking studies could be provided.

The developer asserted that their studies indicate that the number of parking spaces provided would be sufficient.

Ms. Moore suggested that the landscaping be reduced to provide more parking.

Vice-Chair Stahl made a motion, seconded by Mr. Davis, to approve the parking variance. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, absent; Mr. Davis, yes; and Ms. Moore, yes. **(Motion carried 4-0)**

Vice-Chair Stahl made a motion, seconded by Ms. Moore, to approve the perimeter landscape variance. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, absent; Mr. Davis, no; and Ms. Moore, yes. **(Motion carried 3-1)**

3.3 V 5-3-00, Benita Saunders, 1981 SW 139 Avenue (R-1)

Benita Saunders and Gary Diamond, representing the petitioner, were present. Mr. Eppy read the planning report (Staff recommended denial). Discussion followed regarding deed restrictions, location of the guest quarters, possible property subdivision, and privacy issues.

Ms. Moore remarked that despite the Code, the variance should be granted for humanitarian reasons.

Chair Greb's was concerned that if the property was sold, the guest house could be used as rental property and asked the petitioner for a verbal commitment to a deed restriction that the guest house would not be rented out and a minimum of 2.9 contiguous acres of the property could not be subdivided. The deed restriction would run with the land and be an encumbrance on the property. Ms. Saunders agreed to the provision.

Mr. Connick advised that a survey of the 2.9 acres would be needed to encompass the two structures. Title and access problems could come up if the other four acres were subdivided and sold.

Chair Greb asked if anyone wanted to speak for or against this item. The public hearing was then closed as there were no speakers.

Mr. Davis made a motion, seconded by Ms. Moore, to allow approval of the variance subject to deed restrictions of no rental of the guest house and provide a minimum size of 2.9 contiguous acres for the proposed improvement requested. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, absent; Mr. Davis, yes; and Ms. Moore, yes. **(Motion carried 4-0)**

PLANNING AND ZONING BOARD
JUNE 14, 2000

Special Permits

3.4 SE 5-1-00, Kalis/Spyke's Grove, Inc.; Spyke and Spiece, 7250 Griffin Road, (Griffin Road Corridor District)

Neal Kalis, representing the petitioner, was present. Mr. Eppy read the planning report (Staff recommended approval subject to: petitioner may not deviate from the existing foot print of the destroyed building or the special permit approval shall be null and void.) Mr. Kutney explained the special permit with regard to agrarian issues and zoning criteria.

Chair Greb asked if anyone wanted to speak for or against the special permit.

Tom Truex spoke in favor of the permit.

Chair Greb closed the public hearing.

Vice-Chair Stahl made a motion, seconded by Ms. Moore, to approve. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Stahl, yes; Mr. Davenport, absent; Mr. Davis, yes; and Ms. Moore, yes. **(Motion carried 4-0)**

3.5 SE 5-2-00, Nextel Communications/Southeast Properties, 5501 South University Drive (B-2, Community Business) (Staff requested tabling to June 28, 2000.)

Vice-Chair Stahl made a motion, seconded by Mr. Davis, to table to June 28, 2000. In a voice vote, with Mr. Davenport being absent, all voted in favor. **(Motion carried 4-0)**

4. OLD BUSINESS

Vice-Chair Stahl was pleased that Council would be able to review the Board minutes and attend meetings. Chair Greb encouraged Mr. Kutney to get the minutes transcribed in a timely manner to be given to Council.

Chair Greb requested an update regarding exotic animals. Mr. Eppy stated that a report was being prepared which advised that the Board was recommending consideration and identification of the issue. He requested suggestions on how to proceed.

Mr. Davis thanked Mr. Eppy for recognizing his issue with staff assisting in the preparation of deed restrictions.

5. NEW BUSINESS

Vice-Chair Stahl mentioned Imagination Farms and a Councilmember's suggestion for a Code change requiring petitioners to submit a site plan when asking for zoning changes. Mr. Connick asserted that the advantage is for both the rezoning and site plan to be evaluated simultaneously. It was pointed out by Mr. Kutney that staff is considering submission of a concept plan in lieu of a site plan.

6. COMMENTS AND/OR SUGGESTIONS

7. ADJOURNMENT

There being no objections, the meeting adjourned at 11:07 p.m.

Approved: _____

Chair/Board Member